

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FRANK GIORDANO, *et al.*
Plaintiffs

v.

ANDREW HOHNS, *et al.*
Defendants

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CIVIL ACTION

NO. 23-1614

ORDER

AND NOW, this 2nd day of February 2024, upon consideration of the United States’ (the “Government”) *notice of substitution, motion to dismiss, and motion to stay discovery*, (ECF 3), Plaintiffs’ response in opposition, (ECF 6), the Government’s reply, (ECF 8), Plaintiffs’ sur-reply, (ECF 11), and the allegations in the complaint, (ECF 1-1), it is hereby **ORDERED**, for the reasons set forth in the accompanying Memorandum Opinion, that:

1. The Government’s substitution for the named individual defendants is proper. Accordingly, Defendants Hohns, Griffin, and Swanson are **DISMISSED**, with prejudice, from this action, and the United States of America is substituted as the named Defendant in this matter;
2. The Government’s motion to dismiss is **GRANTED** and, pursuant to Federal Rule of Civil Procedure 12(b)(1), this matter is **DISMISSED**, in its entirety, for lack of subject-matter jurisdiction; and
3. The Government’s motion to stay discovery is **DENIED**, as moot.

BY THE COURT:

/s/ Nitza I. Quiñones Alejandro

NITZA I. QUIÑONES ALEJANDRO

Judge, United States District Court